

LOL-HECO-IR-57

Ref: Expert Qualifications of HECO Witness Ishikawa, HECO-400

Question(s):

- a. In which subject matter fields does HECO plan to have the witness be qualified as an expert witness?
- b. In which subject matter fields does HECO plan to have the witness testify as a lay witness?
- c. For the expert witness, in their area of expertise, please provide the following (and where the answer or document is available on the web, please provide the web address):
 1. All articles, books, chapters, or other documents written in whole or in part by the witness. Please provide the date of publication or release, the agency it was submitted to, the docket and/or file number that contains the document. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).
 2. All courses taken, degrees given, courses/classes taught by the witness. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).
 3. All presentations, testimonies, talks made and exhibits submitted by the witness to regulatory agencies. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).
 4. All projects overseen by the witness. Please include the dates of participation and any identifying characteristics of the project necessary to track down information about it. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).
 5. All correspondence between the witness and HECO with regard to their testimony. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).
 6. All reports, draft or otherwise, submitted by the witness to the utility. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).

HECO Response:

- a. In general, Ms. Ishikawa will testify on HECO's behalf regarding the need for the East Oahu Transmission project. The Hawaii Public Utilities Commission generally does not require that a witness be recognized as an "expert witness" in a particular area or subject. The Commission will give the appropriate consideration to a testimony based on its merit.
- b. See the response to subpart a.
- c.
 - 1. HECO objects to the request, as unduly burdensome, onerous and overly broad to the extent that it requests "[a]ll articles, books, chapters, or other documents written in whole or in part by the witness." The request for "[a]ll articles, books, chapters, or other documents written in whole or in part by the witness" could be construed to request documents written in whole or in part by the witness even if such documents were not related to the subject matter addressed by the witness or even if the document is not related in any way to the electric utility industry. Without waiving any objections, HECO provides the following response.

Ms. Ishikawa has prepared engineering reports and studies regarding generation and transmission planning. It would be unduly burdensome to identify all of the reports and studies that Ms. Ishikawa has assisted in or written. Some of the reports and studies Ms. Ishikawa has written, or assisted in its preparation, include: Exhibit 5 and Exhibit 6 of the Application for this docket, Adequacy of Supply Reports for the Hawaii Electric Light Company, Inc. (HELCO) from 1999-2001, West Hawaii 689kV Undervoltage Evaluation (Docket No. 03-0388), various presentations shown in response to LOL-SOP-IR-56 (Docket No. 03-0371), pages 5-6 and the Interconnection Requirements

Study for Hawi Renewable Development's proposed 10.56MW wind farm (HRD Hawi-2) connected to the HELCO Transmission System at Hawi (Docket No. 04-0016).

2. HECO objects to the request, as unduly burdensome, onerous and overly broad to the extent that it requests "[a]ll courses taken". The request is unduly burdensome, onerous and overly broad, because the request for "[a]ll courses taken" could be construed to include "courses" going all the way back to college. It would be unduly burdensome and onerous, as well as counterproductive for the witness to have to identify the "courses" taken going back to college. Without waiving any objections, please see the following response.

Ms. Ishikawa has taken electrical engineering courses in obtaining a Bachelor of Science degree in Electrical Engineering from the Illinois Institute of technology. Courses taken as electives in her junior and senior year of college included Power Electronics and Power System Analysis. In addition, Ms. Ishikawa has taken courses in Power Technologies, Inc. (PTI) Steady State Load Flow, ABB Flexible AC Transmission Systems Seminar and EPRI Lightning TFlash Workshop. Further, Ms. Ishikawa's prior work experiences at Commonwealth Edison and at HECO assists her in her present job as the Principal Transmission Planning Engineer at HECO. Ms. Ishikawa has not taught any classes or courses.

3. HECO objects to the request, as unduly burdensome, onerous and overly broad to the extent that it requests "[a]ll presentations, testimonies, talks made and exhibits submitted by the witness to regulatory agencies." The request is unduly burdensome, onerous and overly broad, because it could be construed to encompass numerous materials. Without waiving any objections, please see the following response.

Ms. Ishikawa has also submitted testimony in Docket No. 03-0371 (DG Docket) as HECO T-4 and presented an overview of the HECO system and the HECO Transmission Planning Process to which the Consumer Advocate, Life of the Land and the Commission representatives were present at the April 23, 2004 HECO IRP-3 Advisory Group Technical Committee meeting.

4. Ms. Ishikawa has assisted or performed transmission planning for the following utility projects:

HRD Hawi-2 Interconnection Study (Docket No. 04-0016)

Kailua 19.2 MVAR Capacitor Bank Installation (Docket No. 03-0388)

Apollo Energy Corporation (Docket No. 00-0135)

Proceeding to Investigate Distribute Generation in Hawaii (Docket No. 03-0371)

Waiau CT Separation Project (Docket No. 04-0104)

- 5-6. HECO objects to providing copies of “[a]ll correspondence between the witness and HECO with regard to their testimony” and “[a]ll reports, draft or otherwise, submitted by the witness to the utility”. The request for “[a]ll correspondence between the witness and HECO with regard to their testimony” includes various e-mails and attachments to the e-mails (i.e., internal written communications). HECO objects to providing the requested correspondence, as these documents are privileged and confidential and should not be provided on public policy grounds. In the internal written communications, the discussions are brief since HECO’s personnel understand the context of the subject matter and HECO believes that it is not cost effective to spend the time to generate elaborate discussion on the subject matter. If HECO is required to produce such internal correspondence, then the information would have to be generated

in a fashion suitable for external publication, rather than in its present form (which is suitable for internal discussions). This would be unduly burdensome and onerous, as well as counterproductive.

The internal correspondence are solely intended to be a tool to communicate information internally. The internal correspondence are an integral part of the decision making process in which thoughts are expressed, which may not be reflected in the written testimony. In addition, documents such as drafts of testimony, which are attached to e-mails, are a necessary step in the decision making process and can result in candid dialogue. Were these documents subject to review by others in a regulatory proceeding, their candid nature and, therefore, their value could diminish significantly in the future, and HECO's internal communications and decision-making process would be seriously hampered.

This information request basically requests unlimited access to internal correspondence related to the testimony. This information request fails to balance the need for the information against HECO's need to manage. For example, the Federal Freedom of Information Act ("FFIA"), codified at 5 U.S.C. §552, and the Uniform Information Practices Act (Modified), codified at H.R.S. Ch. 92F, contain broad disclosure requirements based on the public's interest in open government. However, even such broad disclosure acts provide exceptions from the broad disclosure requirements that are intended to permit the efficient and effective functioning of government. It is common in such acts to protect from disclosure pre-decisional agency memoranda and notes, and/or government records that, by their nature, must be confidential in order to avoid the frustration of a legitimate government function. This

is similar to the “deliberative process privilege” recognized by the Pennsylvania Public Utility Commission with respect to its own internal staff reports. See Pennsylvania Public Utility Commission v. West Penn Power Company, 73 PA PUC 122 (July 20, 1990), West Law Slip Op.

In addition, the request is overly broad or at least could be construed in that fashion, and HECO objects to the request on such grounds. The request is overly broad, because it applies to correspondence related to drafts of testimony being prepared for this proceeding, and questions or comments from HECO’s attorneys related to the testimony. HECO objects to providing correspondence related to drafts of testimony on the grounds stated above, regardless of whether such correspondence relates or reflects privileged communications with attorneys or attorney-work product. To the extent the request asks for communications that may contain the mental impressions, conclusions, opinions, or legal theories of HECO’s attorneys (e.g., some attachments to e-mails include the mental impressions and conclusions of HECO’s attorneys on drafts of testimony), HECO further objects to such request on the grounds that it asks for documents that are protected by the attorney-client privilege and the attorney work-product doctrine.

HECO objects to the request for “drafts” of “[a]ll reports . . . submitted by the witness to the utility” on the grounds stated above regarding drafts of testimony.

HECO also objects to disclosure of such requested correspondence and draft reports even under a protective order. The value of the correspondence (including the attachments) with a witness and draft reports will be diminished if HECO is required to

provide such documents, even if documents were provided pursuant to a protective order.

Without waiving these objections, HECO provides the following responses.

Ms. Ishikawa and her staff prepared the East Oahu Transmission Project Application Exhibit 5 (East Oahu Transmission Project, Alternatives Study Update, dated December 2003) and Exhibit 6 (East Oahu Transmission Project: Options to the Koolau/Pukele Transmission Overload Problem, dated December 2003). An electronic copy of these studies, in PDF form, was provided to each party by letter dated April 7, 2004.